UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1997/56
5 May 1997

ORIGINAL: ENGLISH

Substantive session of 1997
Geneva, 30 June-25 July 1997
Item 7 (c) of the provisional agenda*

REPORTS, CONCLUSIONS AND RECOMMENDATIONS
OF SUBSIDIARY BODIES: SOCIAL QUESTIONS

Narcotic drugs

Summary of the report of the International Narcotic Drug Control Board for 1996

1. In accordance with the Single Convention on Narcotic Drugs, 1961, the International Narcotics Control Board (INCB) is required to prepare an annual report on its work, in addition to any other reports considered necessary. An analogous obligation is set forth in the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The report must be submitted to the Economic and Social Council through the Commission on Narcotic Drugs. In each year's annual report, the Board provides a comprehensive analysis of the current drug control situation in the world, and recommends action which it considers appropriate.

2. Chapter I of the INCB report for 1996 examines the link between drug abuse and the criminal justice system. The Board calls on all Governments to recognize the important contribution of criminal justice systems to preventing and combating the illicit supply and consumption of drugs. The Board points out that there are several ways in which the criminal justice system can assist in the fight against drug abuse and illicit trafficking. The criminal justice system is designed to convict and punish the guilty as well as to offer the abuser an opportunity for treatment and rehabilitation. By making drug seizures, it reduces the quantity of illicit drugs in circulation and makes it more difficult for abusers to obtain such drugs. Freezing and confiscating assets derived from drug trafficking not only deprives traffickers of the

* E/1997/100.

97-11837 (E) 090597

/...

proceeds of their activities but can also provide an additional source of revenue for law enforcement activities.

3. The national criminal justice system should not only aim to arrest, try and convict individuals suspected of engaging in drug-related criminal activities but should also aim to disrupt the operations of drug-trafficking organizations and put them out of business. Very few criminal justice systems have achieved that aim to date. Many law enforcement agencies do not have the resources and skills to do more than apprehend the street seller and the individual drug abuser, leaving intact the structure of the production and distribution chain, and above all its management. In addition, while many members in the higher echelons of drug trafficking organizations go unpunished, small-time pushers and drug users are being arrested in increasing numbers and are placing a burden on criminal justice systems.

4. Therefore, the Board recommends that Governments adopt a more strategic approach to the fight against drug traffickers in order to reduce the supply of illicit drugs and to free the stretched resources of national criminal justice systems. The Board makes some concrete proposals which the Commission on Narcotic Drugs and the Economic and Social Council may wish to consider. The Board recommends, inter alia, that Governments enact legislation that provides for the efficient investigation and prosecution of large-scale drug trafficking networks; deprive traffickers of all financial gains; make more effective use of the criminal justice system; and enhance international cooperation.

5. The Board emphasizes that national laws must be adequate to deal with the complexities of large-scale trafficking networks, and should provide for the efficient investigation and prosecution of traffickers. Legislation should aim to convict people higher up in the drug trafficking chain. Successful prosecution of organizers of the drug trade is frequently hampered by procedural barriers and evidentiary requirements. In addition, it is often difficult to establish the evidence connecting suspected drug kingpins to the crimes committed under their direction since they may never come in contact with drugs. Accordingly, the Board suggests that Governments consider simplifying evidentiary requirements in certain cases, under the close supervision of the appropriate judicial authorities and with adequate protections for the accused.

6. National legislation should also provide for action against money-laundering. Among the provisions contained in the 1988 Convention, those related to money-laundering are particularly pertinent to strengthening the capacity of criminal justice systems to deal with illicit trafficking. They should be fully implemented in order to ensure that drug traffickers keep nothing of their ill-gotten financial gains. The Board expresses concern over far-reaching reservations made in 1996 by Lebanon and the Philippines to provisions related to measures against money-laundering in the 1988 Convention. In view of the Board, the validity of reservations going to the core of the 1988 Convention, for example, by excluding important provisions on money-laundering, is questionable from both the legal and policy perspectives.

7. The Board stresses that criminal justice systems should be used effectively in order to produce the desired results. The Board believes that Governments should consider targeting large-scale drug traffickers. Arresting one major

drug trafficker has a greater impact than arresting minor offenders. Targeting also frees resources so that the criminal justice system can focus more on higher-priority cases. Effective use of the criminal justice system also involves ensuring that the penalties imposed for drug trafficking, particularly for large-scale offenders, are commensurate with the seriousness of the offences. For first-time offenders or juveniles, on the other hand, Governments may wish to consider shorter prison sentences or alternatives to incarceration in accordance with the provisions of the international drug control treaties. Treatment of drug abuse, in particular, can be a cost-effective alternative to imprisonment, reducing health-care costs as well as costs associated with criminal proceedings and imprisonment.

8. The Board recalls that the fight against drug-trafficking is an international one since most large-scale drug trafficking operations are internationally based. Organizers of a criminal network may be in country X, the producers in country Y, distributors in country Z and proceeds of the crime may be laundered in country A. Apprehending offenders in only one country would be like cutting off branches of a tree but leaving the roots intact. Therefore, an effective strategy against drug trafficking organizations must include cooperation among competent authorities in various countries. Noting that many Governments have already concluded bilateral or regional cooperation agreements, usually between law enforcement agencies, the Board proposes that such cooperation be extended to include judicial authorities as well in order to provide an opportunity to destroy the whole structure of a trafficking network and seize the proceeds of the crime. The Board stresses that the 1988 Convention can be used as an extradition treaty and a mutual legal assistance treaty, and it therefore provides a valuable basis for international cooperation in drug-related matters between countries that do not have multilateral or bilateral agreements.

9. In chapter II of the report, the Board reviews the operation of the international drug control regime, in particular the functioning of the control systems for narcotic drugs and psychotropic substances.

10. The number of parties to the international drug control treaties continues to increase steadily. Since the last report of the Board was issued on 5 May 1996 (E/1996/38), 32 States have become parties to those treaties: five States acceded to the 1961 Convention as amended by the 1972 Protocol, and 3 States which were already parties to the 1961 Convention became parties to that Convention as amended by the 1972 Protocol; 6 States acceded to the 1971 Convention; and 18 States became parties to the 1988 Convention. The report notes that 158 States are parties to the 1961 Single Convention on Narcotic Drugs or are parties to that Convention as amended by the 1972 Protocol; 146 States are parties to the 1971 Convention; and 137 States are parties to the 1988 Convention.

11. The Board is concerned that of 53 States in Africa, only 43 are parties to the 1961 Convention, only 41 are parties to the 1971 Convention and only 36 are parties to the 1988 Convention. In Central America and the Caribbean, a number of countries have yet to become parties to the 1961 and 1971 conventions. Austria remains the only highly industrialized State in the world that has yet to become a party to the 1971 Convention. The Board particularly urges

Governments which are not parties to any of the three main international drug control treaties to accede to those treaties.

12. Abuse of appetite suppressants for their stimulant properties has been reported in a number of countries around the world, as has been the diversion of such tablets to illicit markets and their smuggling from country to country. The Board received reports citing health clubs, fashion shops and beauty farms as places where such drugs can be illicitly obtained. Demand for those prescription drugs is fuelled by promotional features in the media and on the Internet. Therefore, the Board requests all Governments to strictly implement the provisions of article 10 of the 1971 Convention, which prohibits the advertisement of psychotropic substances to the general public.

13. Global licit consumption of another stimulant, methylphenidate, which had jumped from 3 tons in 1990 to 10 tons in 1995, continued to rise in 1996. The United States, which accounts for more than 90 per cent of the world demand for this amphetamine-type prescription drug in the treatment of attention deficit disorder in children, is expected to see a rise in consumption to 10.5 tons in 1996 and nearly 13 tonnes in 1997. In the United States, methylphenidate-related emergency room cases among 10- to 14-year-olds have increased sharply and have now reached the level of cocaine-related cases among the same age-group.

14. Turning to the availability of opiates for medical needs, the Board recalls its special report, Availability of Opiates for Medical Needs, which was published in 1996. The Board reiterates that an efficient national drug control regime should involve not only a programme to prevent illicit drug trafficking and diversion but also a programme to ensure the adequate availability of narcotic drugs for medical and scientific purposes. Governments that have done little or nothing to remove obstacles to the legitimate use of narcotic drugs are requested to critically examine their methods for assessing medical needs for narcotic drugs, and to take effective measures to ensure their availability.

15. With respect to the control of precursors, the Board is pleased to note that Governments have stepped up their efforts to thwart their diversion of chemicals into the illicit market. The report highlights how a still limited but increasing number of countries have begun to systematically check the legitimacy of shipments involving controlled substances and share information on suspicious cases. This has led to tangible results: arrests and seizures involving large shipments of precursor substances are increasing, and drug traffickers are finding it more and more difficult to obtain the chemicals they require for the illicit manufacture of drugs.

16. Despite the successes of 1996, the Board also notes that a lack of uniform action by many countries continues to benefit traffickers, and it therefore calls on Governments to establish frameworks for precursor control or take action to verify the legitimacy of transactions involving the substances in question. To provide concrete guidance in this respect, the Board has outlined a series of recommendations for further action by Governments to establish or strengthen existing systems for the exchange of information. The Board also sees a need for greater cooperation with industry in keeping track of licit trade in and use of controlled chemicals in order to make it easier to identify

suspicious shipments. More could also be done with respect to the sharing of information between Governments.

17. Chapter III of the report presents an analysis by region of the drug control situation and measures taken by Governments against drug abuse and drug trafficking.

Africa

18. Abuse and trafficking of drugs remains a pervasive problem. Several countries in the eastern, southern and western parts of the region are increasingly used as transshipment points for cocaine originating from South America and destined for Europe. Heroin is also transported from South-West and South-East Asia to African seaports and airports for routing to Europe and North America. The growing transit traffic in the region has contributed to the spread of cocaine and heroin abuse in many African cities. The abuse of crack cocaine is already creating problems in South Africa and several western African countries, and heroin abuse has been recorded in several central African capitals. Methaqualone abuse and trafficking are now widespread in eastern and southern Africa. Cannabis abuse abounds in every subregion of the African continent. The Board comments that few African countries have formulated national drug control strategies but notes with satisfaction the adoption of a plan of action for drug control in Africa by the Assembly of Heads of State and Government of the Organization of African Unity in July 1996.

Central America and the Caribbean

19. The Board welcomes the commitment made by several Central American States to develop harmonized national laws on money-laundering, precursor control and other drug-related matters, and reiterates its appeal to all States in the subregion to curb money-laundering. In view of repeated reports of the transshipment of ephedrine and other methamphetamine precursors through the region, the Board urges countries to introduce measures to monitor the import and export of such substances. Drug abuse is a problem in certain parts of the region - a Belize survey noted crack abuse even among primary school children. In most countries of the subregion, pharmaceutical products containing psychotropic substances can be obtained too easily. The Board is urging countries to bring their pharmaceutical supply systems into conformity with the 1971 Convention.

North America

20. The biggest illicit drug market in the world is in the United States of America, with abuse of cocaine, cannabis and hallucinogens increasing among youth in recent years. Illicit manufacture of amphetamine derivatives and indoor cannabis cultivation have become major problems in the United States and Canada. Cannabis is cultivated to a large extent in all three North American countries, and the Board notes that domestic, mainly hydroponic, cultivation accounts for a large part of the supply. The Board also expresses concern about the result of referendums in two states in the United States, which could permit a broad use of cannabis for allegedly medical purposes; the Board sees those moves as indirect but evident attempts to legalize cannabis. According to a

national household survey on drug abuse, 1.45 million Americans were reportedly abusing cocaine on a monthly basis, down from the 1979 figure of 5.7 million. On the other hand, seizures of methamphetamine precursors have more than tripled in the United States, reaching over 35 tons. One of the largest and most sophisticated clandestine laboratories ever discovered in North America was dismantled by Canadian law enforcement authorities in 1996; it had been producing substantial amounts of MDMA (Ecstasy) and LSD for at least four years. In the United States, almost two thirds of LSD abusers seeking treatment in 1995 were under the age of 20. The Board further notes that abuse of certain tranquilizers, particularly flunitrazepam and clonazepam, is rapidly spreading in the United States.

South America

21. This remained the only region supplying cocaine to other parts of the world, above all to the United States and Europe. In addition, large amounts of heroin are smuggled out of Colombia, where illicit opium poppy cultivation and the clandestine manufacture of opiates have become serious problems. The Board encourages countries of the region to ratify and implement as soon as possible the Inter-American Convention against Corruption (E/1996/99, annex), which was adopted at Caracas in March 1996 by the Specialized Conference of the Organization of American States against Corruption. The Governments of Bolivia, Colombia, Ecuador, Peru and Venezuela last June agreed to create an Andean anti-drug intelligence unit to exchange information on precursor shipments and to support alternative development projects in South America. The Board notes steps taken by Brazil to introduce an anti-money-laundering bill, and to enable the use of forfeited criminal proceeds to finance drug abuse prevention and rehabilitation programmes, but urges the Government of Brazil to move ahead with comprehensive drug control legislation.

East and South-East Asia

22. The surrender of Myanmar insurgent leader Khun Sa - considered the key person in the illicit trade in opiates - has created a new situation in the Golden Triangle (Lao People's Democratic Republic, Myanmar and Thailand), particularly in Myanmar's Shan state, where most of the region's opium is produced. Early signs that some clandestine laboratories are shutting down have been a heroin shortage on the Thai black market and a drastic increase in the price of heroin along the Myanmar-Thai border. Opium smoking is diminishing in the subregion but is being replaced by the far more dangerous practice of injecting heroin, a trend that has been accompanied with increased needle-sharing and human immunodeficiency virus (HIV) infection. Illicit manufacture of methamphetamine and traffic in that substance and its precursors are widespread in the region, as is abuse of amphetamine-type stimulants. There have been reports in several countries of the subregion of former heroin laboratories converting to methamphetamine production. Japan has noted further propagation of methamphetamine abuse, even among teenagers. Abuse of Ecstasy and other hallucinogenic amphetamine derivatives is on the rise in Hong Kong, Indonesia and Singapore. Abuse of cough syrups containing codeine, especially in combination with ephedrine, is creating problems in the subregion, particularly in Malaysia and Myanmar.

South Asia

23. Drug abuse trends in 1996 reflect a shift from opium to heroin and, more recently, also to buprenorphine, a potent synthetic opioid manufactured in India. Ninety per cent of injecting drug abusers in Bangladesh abuse buprenorphine. The Board appeals to the World Health Organization and the Commission on Narcotic Drugs to review the status of international control of buprenorphine without delay. India and Pakistan agreed in 1996 to undertake joint investigations of cross-border trafficking in narcotic drugs and chemicals used in their manufacture. Authorities in both countries are exploring ways of working together to detect persons smuggling acetic anhydride out of India into Pakistan and persons carrying heroin back in the reverse direction. The Board is encouraging Maldives, which is not party to any of the international drug control treaties, to adopt a new draft drug control law as soon as possible. Despite India's efforts to close down clandestine laboratories manufacturing methaqualone and its success in control of an important precursor, substantial amounts of the hypnotic are still being smuggled out of India into eastern and southern Africa.

West Asia

24. The major sources of supply of traffickers are the illicit cultivation of cannabis and opium poppy in Afghanistan and to some extent Pakistan, central Asia and the Caucasus; the illicit production of hashish in Afghanistan and Pakistan; and the clandestine manufacture of heroin in Afghanistan, Pakistan and Turkey. Political turmoil and civil war in Afghanistan - the main source of opium supply in the region - have made it impossible to implement control measures. Prevention of drug smuggling out of Afghanistan now depends mainly on the efforts of authorities in neighbouring States. Heroin smoking is widespread in Pakistan. Injection of poppy straw extracts is a problem in the central Asian Republics of the former USSR. Illicit trafficking and abuse of stimulants are causing concern in the Middle East and the Arab peninsula, and now seem to be on the rise in central Asia. The Board appeals to the United Arab Emirates to strengthen measures to prevent the diversion of precursors, and is urging all States in the region to institute regulations to prevent money-laundering. A cooperation programme was launched by Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan at a ministerial summit held at Tashkent, Uzbekistan, in May 1996. The five countries agreed to work with the United Nations International Drug Control Programme to modernize their laws and police practices to cope with emerging drug transit in the subregion. A subregional arrangement was also established last year between Lebanon, Syria and Turkey, and a new strategy was being developed among States in the Persian Gulf area.

Europe

25. The Board observes that although large amounts of heroin, cocaine and hashish are being smuggled into the region from other continents, the prevalence of heroin and cocaine abuse in most Western European countries is declining. However, a rapid increase in the number of heroin abuse cases has been reported in some Eastern European countries. There is a clear upward trend in abuse of synthetic drugs manufactured in clandestine laboratories in Europe. These operations are supplying amphetamines and ecstasy to illicit drug markets in and

outside of Europe. With advances in hydroponics and other indoor growing technologies, illicit cultivation has now become an important element of the European drug scene. Indoor growers of cannabis varieties have become major suppliers of the European black markets. Although precursors and other chemicals used in the illicit manufacture of various substances are manufactured in many European countries, only certain precursors are being seized, and those in only a limited number of countries in Western Europe. The Board notes with satisfaction the elimination of "open drug scenes", which it feels were giving drug abusers and traffickers an impression that the authorities of several big cities were permissive towards drug abuse.

Oceania

26. Abuse and trafficking of drugs has not yet become a focus of major international concern in this region, although the Board notes that some of the Pacific island countries are being used as transit points for illicit drug trafficking. In the region as a whole, with the exception of Australia and New Zealand, the problem of drug abuse seems to be limited to cannabis, which grows wild in several countries. In Australia, the seriousness of the extent of heroin abuse is clearly reflected in the sharp increase of heroin-related deaths recorded in 1995.

27. In chapter III of its report, the Board presents further conclusions of its missions to China, El Salvador, Estonia, Hungary, India, Latvia, Lithuania, Malawi, Malaysia, Mexico, Netherlands, New Zealand, the Republic of Moldova, Slovakia and Zambia.